

**GOVERNMENT OF TELANGANA**  
**ABSTRACT**

Tribal Welfare Department - Khammam District - Revision Petition filed by Sri V.Seetharama Reddy S/o Gurva Reddy R/o Babu Camp, Kothagudem Revenue Mandal, Khammam District and R.P. filed by 1) Bhukya Kanthi W/o Bhukya Latchu 2) Bhukya Bicha S/o Bhukya Latchu, 3) Bhukya Babu S/o Bhukya Latchu 4) Bhukya Ramulu S/o Bhukya Latchu all legal heirs of Bhukya Latchu s/o Bhukya Harisingh all R/o Chunchupalli Village against the orders of the Additional Agent to Government in CMA.No.110/2003 dated 28.07.2007 - Orders - Issued

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**TRIBAL WELFARE (LTR) DEPARTMENT**

**G.O.MS.No. 43**

**Dated: 07-10-2016**  
**Read the following:**

1. Order of Addl. Agent to Government, Bhadrachalam, Khammam District in C.M.A.No.110/2003, dt 28.07.2008.
2. Review Petition filed by Sri V.Seetharama Reddy S/o Gurva Reddy R/o Babu Camp, Kothagudem Revenue Mandal, Khammam District dated 28.04.2008.
3. Govt.Memo.No.3390/TW.LTR.2/2008-1, dated 08.07.2008.
4. Review Petition filed by 1) Bhukya Kanthi W/o Bhukya Latchu 2) Bhukya Bicha S/o Bhukya Latchu, 3) Bhukya Babu S/o Bhukya Latchu 4) Bhukya Ramulu S/o Bhukya Latchu all legal heirs of Bhukya Latchu s/o Bhukya Harisingh all R/o Chunchupalli Village dated 21.02.2011.
5. From the Project Officer & Additional Agent to Government, Bhadrachalam, R.P.No.3390/LTR/2008-1 dated 4.11.2013.

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**ORDER:**

1. In the reference 2<sup>nd</sup> read above, Sri V.Seetha Rami Reddy, Kothagudem Revenue Mandal, Khammam District and in the reference 4<sup>th</sup> read above, 1) Bhukya Kanthi W/o Bhukya Latchu 2) Bhukya Bicha S/o Bhukya Latchu, 3) Bhukya Babu S/o Bhukya Latchu 4) Bhukya Ramulu S/o Bhukya Latchu all legal heirs of Bhukya Latchu S/o Bhukya Harisingh all R/o Chunchupalli Village have filed Revision Petition against the orders of the Addl.Agent to Govt. /PO, ITDA, Bhadrachalam Khammam District in CMA No.110/2003 dt. 28-7-2007 in respect of the land in Sy.No.161/A, 161/1 & 161/2 Chenchupally Village, Khammam District

**Brief facts of the case are as follows:**

- Sri Bhukya Latchu, S/o Harsingh has filed application before the Spl.Dy.Collector, Palvancha stating that an area of Ac.3-00 gts, in Sy.No.B.161/1, 162/2 & 163/4 of Chunchupally was registered to the respondents and they have not paid the consideration amount so far and requested to do justice in the matter. Subsequently, in petition dated 23-4-1993 the petitioner has alleged that the patta land belongs to him in Sy.Nos. 161/1, 162/2 and 163/4 is illegally occupied by the respondents and requested for its restoration.
- Sri Lavudya Maniya, Vudumula Seetharami Reddy and Sri Dayaram Agarwal have deposed that they have jointly purchased Ac.2-23 gts. in Sy.No.161/2 and Ac. 0-23 gts. in Sy.No.161/1 from Sri Katamkam Koti Reddy through Registered Sale Deeds No.1068/77 and 1069/77 registered on 23-7-1977 and further stated that they have also got signed the Sale Deed from Sri Bhukya Harsingh and his Son Latchu since during that time the land belonging to Sri Katakam Koti Reddy was said to be in the possession of Sri Bhukya Harsingh and therefore his signature was also taken for witness in the Registered Sale Deed.

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- assignment lands and in the said two years the above Sy.Nos. were under the possession of Sri Harsingh. Even though the land Sy.Nos.161/2 was recorded as patta in the name of Sri Katakam Koti Reddy it was said to have been purchased by him on sada sale deed by it was in the possession of Bhukya Harsingh. In the year 1977-78 and 1978-79 also the Sy.No 161/1 measuring Acs. 2-02 gts. was shown as assignment patta in the name of Bhiukya Hari Singh. Thus from the records it is forth coming that the Sy.Nos.161/A, Acs. 0-26 gts., 161/1 Acs.2-02 gts. and 161/2 measuring Acs.2-23 gts are the Govt. lands assigned in favour of Sri Bhukya Hari Singh. Sri Katakam Koti Reddy might have purchased the Sy.No.161/2 from Sri Bhukya Hari Singh.
- In view of the above, the Special Deputy Collector has passed ejectment orders directing the Mandal Revenue Officer, Kothagudem to take over the possession of the suit land in to Govt. custody and assign the same land to the eligible poor tribals to the extent of Ac.5-11 gts in Sy.No.161/A, 161/1 & 161/2 of Chunchupally village of Kothagudem Mandal, Khammam District.
- Against the above orders Sri Vudumula Seetharami Reddy has filed an appeal before the Additional Agent to Government. The Additional Advocate General after due verification of the records has observed that the transaction took place between the tribes and non-tribes. In the appeal the appellant (V.Seetharami Reddy) and 2<sup>nd</sup> respondent (Bhukya Latchu) and 3<sup>rd</sup> respondent (Lavudya Maniya) are tribals. The question before the court is whether the said registered sale deeds executed between them are registered on 23-7-1977 apparently the Sales have taken place after the commencement of Regularization 1/70 and wherein the Scheduled land is situated in the Scheduled Area. The Lambadas are declared as STs from 27-7-1977 by the Governmentt. Notification G.O.Ms.No.838, dt.15-12-1977. Prior to that they cannot enjoy the benefit of Tribals and they will be treated as Non-tribal. In this case both the parties are Non-Tribals and the transaction with regard to immovable property between them is prohibited and the said sales are hit by regularization 1/70. Therefore, the said sales are void and they are not entitled to claim the land through said void documents. Apart from this the Scheduled land is assigned land to Bukhya Hari Singh. The appellant and the other respondents failed to prove that the Schedule land is not assigned land of Bhukya Harisingh. The Photostat copy of Pahani dated 24-8-2001 shows that Bhukya Harisingh as Pattadar and some others are as enjoyers of Sy.No.161/1.
- In view of the above, the Addl. Agent to Govt. has issued orders confirming the lower court orders.
- Aggrieved by the above orders Sri V.Seetharami Reddy has filed Revision Petition before the Govt. wherein he has stated that the first respondent (AAG) & 2<sup>nd</sup> respondents (SDC) passed orders under revision without any justification. They have no jurisdiction or authority to order for taking the possession of the Govt. custody u/s 3(2) (a) of the regulation 1/1970, therefore, the order on the revision is liable to be set aside. He has also stated that the respondents 1 & 2 erred in applying section 3(2) (a) of regulation 1/70 having found that there is no tribal interest involved in the scheduled land.
- Sri Bhukya Ramulu, son of Bhukya Latche(Late) who was the 1<sup>st</sup> Respondent in CMA No.110/2003 on the file of Addl.Agent to Govt. Bhadrachalam & 4<sup>th</sup> Respondent in the Revision Petition of Sri Seetharami Reddy also has filed Revision Petition against the orders of AAG and stated that the lower courts having held that scheduled land is assigned land to Bhukya Hari Singh ought to have restored the land to the assignee / his legal heirs in accordance with provisions of A.P. Assigned Lands Prohibition of Transfer Act, 1977 and further stated that SC & ST order amendment Act, 1976, No.108/1976 came into force

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on 18-9-1976 wherein Sugalis and Lambadies were included among the STs at item 29, hence, the alienations made by the Tribals after 18-9-1976 in the Scheduled Areas in favour of Non-Tribals are null and void under regulation 1/1959 and as such the Scheduled lands ought to have been restored to the Tribal Petitioners who are legal heirs of Bhukya Latchu.

- Sri Bhukya Ramulu, grandson of Sri Bhukya Har Singh in his further representation 6-3-2013 has stated that his grandfather (late) Bhukya Hari Singh is the pattadar for the dry lands to an extent of Ac.0-26 gts., Ac. 2-23 gts. and 2-02 gts. totally Acrs. 5-11 gts. in Sy.No.161/A, 161/1 & 161/2 of Chunchupally Village of Kothagudem Village which was assigned to his grandfather Sri Bhukya Hari Singh previously by the Govt. The above lands were not sold away by his grandfather or his father (Late) Bhukya Latchu. But the lands were given by his grandfather on lease to Katakam Koti Reddy since 40 years. At present the said lands were occupied by the family members of Sri V.Seetharami Reddy, Sri Dayaram Agarwal and Sri Lavudya Maniya and they have created forged sale documents that his grandfather sold away the land to them.
- Further, the 3<sup>rd</sup> respondent in CMA No.110/2003 and 6<sup>th</sup> respondent in the said Revision Petition i.e., Lavudya Maniya by legal heir his grandfather Lavudya Maniya purchased the said land from one Katakam Koti Reddy through a Registered Sale Deed dt.23-7-1977 vide document No.1068/77 & 1069/77 and his name recorded in the Revenue Records as enjoyer of the Schedule land. Later the Non-Tribal Appellant Sri V.Sitharami Reddy has occupied the Scheduled land against the LTR. The lower court passed orders without seen the records of the Adangal, Pahani for the year 1977-78. Hence, he has requested to restore the said land to the legal heirs of the Lavudya Maniya.
- In the remarks of the Additional Agent to Government, Bhadrachalam it has been stated that the lower court after due verification and conducting the detailed enquiry passed orders, therefore, it is not correct to say the 1<sup>st</sup> respondent (AAG) failed to appreciate the evidence. The Scheduled land was purchased from Katakam Koti Reddy through a registered sale deed, dt. 23-7-1977, which is in the possession of Sri Bhukya Harisingh who is Lambada. The Lambada are declared as STs w.e.f.27-7-1977. Admittedly the said registered sale deed is hit by regulation. Further stated that when a non-tribal transfer the land to a non-tribal in contravention of provisions of section 3(1) (a), he will not be entitled to ask the authorities for restoration of the property in his favour invoking the provisions of clause (a) of sub-section 2 of Section 3. The said clause will not apply to a non-tribal transferor. Further stated that it is clear of violation and the Revision Petitioner (Sri V.Sitharami Reddy) is prolonging the matter by way of approaching the Higher authorities. He has further stated that when the scheduled land is situated in scheduled area and any contravention had taken place, the authorities can initiate suo-moto proceedings, there need not any tribal interest.
- The suit schedule land of the appeal is Ac.0-26 gts in Sy.No.161/A, Ac.2-23 gts in Sy.No.161/2, Ac.2-02 gts in Sy.No.161/1 of Chunchupalli(V) of Kothagudem (M). The Additional Agent to Government, Bhadrachalam dismissed the appeal in his order dated:28.07.07 including the Sy.No.161/2 for the extent of Ac.2-23 gts of Chunchupalli(V) of Kothagudem(M). But the Spl. Deputy Collector(TW) Bhadrachalam initiated another LTR case No.319/12/KGM between Katakam Kotireddy (Non-Tribal) as petitioner and Sri Vudumula Seetharami Reddy (Non-Tribal) as Respondent for the schedule land in Sy.No.161/2 Ac.2-23 gts of Chunchupalli (V) of Kothagudem (M) and dropped the proceedings in favour of Non-Tribal.

- The Additional Agent to Government, Bhadrachalam has stated that the Special Deputy Collector (TW) Bhadrachalam without verifying the previous orders wrongly built up the case and dropped the proceedings in favour of the Non-Tribal Respondent Sri Vudumula Seetharami Reddy. The order is not sustainable as the Additional Agent to Government who is higher appellate authority, already passed orders on 28.07.07 in CMA No.110/03 on the extent of Ac.2-23 gts in Sy.No.161/2 of Chunchupalli (V) of Kothagudem (M). It is purely negligence on the part of the Special Deputy Collector (TW), Bhadrachalam.

2. Government after examination of the Revision Petitions have observed that the Revision Petitioner Sri V.Seetharami Reddy and two other respondents i.e. Lavudya Maniya and Sri Dayaram Agarwal have deposed themselves that they have jointly purchased the said land from Sri Katakam Koti Reddy through Registered Sale Deed No.1068/77 & 1069/77 on 23.07.1977 and further stated that they have also got signed the Sale Deed from Sri Bhukya Hari Singh and also from his son Sri Bhukya Latchu.

3. Further as seen from the Lower Court orders, it is observed that the land in Sy.No.161/A, Acs 0-26 gts, 161/1 Acs.2-02 gts and 161/2 measuring Acs 2-23 gts are the Govt. lands assigned in favour of Sri Bhukya Hari Singh. It is not known from the record available how the land has come to the possession of Sri Katakam Koti Reddy from whom it has been stated that the Revision Petitioner and other (2) un-official respondents have purchased the said land. There is no document available showing that the said land was sold by Sri Bhukya Harisingh to Katakam Koti Reddy. Hence the sale deed executed between Katakam Koti Reddy and the Revision Petitioner and other (2) un-official respondents has no validity. Further, the Revision Petitioner and other (2) un-official Respondents had failed to prove before the lower court that the Scheduled Land is not assigned land to Sri Bhukya Hari Singh.

4. Government have further observed that;

- Sri V.Seetharami Reddy in his written arguments dt. 11.08.2016 stated that he is not having and claim over Sy.Nos.161/A and 161/1 to an extent of Ac.0-26 gts and Ac.2-02 gts respectively. He has claim only on Sy.No.161/2 measuring Ac.2-23 gts. He claims the said land in Sy.No.161/2 as possessor / cultivator since 1970 which is said to be patta land of Katakam Koti Reddy. He did not produce any documents to prove that Sri Katakam Koti Reddy is pattedar of the said land. The Addl.Agent to Govt. in his order dt 28.07.2007 has clearly observed that it is not known as to how the land has come to the possession of Katakam Koti Reddy from whom it has been stated that Sri V.Seetharami Reddy and two other official respondents purchased the said land through sale deed no.1068/77 & 1069/77 Dt.23.07.1977. There is no document available showing that the land was sold by Sri Bhukya Harisingh to Kotakam Koti Reddy.
- Further as per the notice issued by the District Co-operative Central Bank, Khammam, Branch Kothagudem it is evident that Sri Bhukya Harisingh has obtained loan in the year 1978 from the said bank by mortgaging the land in Sy.Nos.161/A & 161/2 to an extent of Ac. 3-04 gts for digging a well. If the said land is patta land of Katakam Koti Reddy, Sri Bhukya Harisingh cannot mortgage the land and obtain a loan for digging well.
- The Judgement of the Additional Agent to Government is clear to prove that Sri V.Seetharami Reddy has no claim on the land in Sy.No.161/2. He has deposed before the Spl. Dy.Collector (TW) Palancha that 8 years back he disposed Ac.0-27 gts to Sri Bhukya Bheema, Ac.0-20 gts to Sri Dailalal and Acs.1-14 gts to Sri Badavath Harilal in Sy.No.161/2 and at present he is having Ac.0-02 gts only in Sy.No.161/2. Thus Sri V.Seetharami Reddy has been giving different versions to different authorities. Hence his statements are not consistent with one another.

- Sri Lavudiya Gopi L.R. of Lavudya Manya another claimant through document No.1068/77 and 1069/77 and 3<sup>rd</sup> claimant Sri Dayaram Agarwal also have no claim on the property in Sy.No.161/2 for the above reason.
- The appeal of Sri Bhukya Ramulu S/o Bhukya Lachu who is grandson of Bhukya Harisingh and three other legal heirs examined with reference to the evidence produced by him. Sri Bhukya Hrisingh is pattedar of land in Sy.No.161/A, 161/1 and 161/2 to an extent of Ac.0-26 gts, Ac.2-02 gts and Ac.2-23 gts respectively since 1954 onwards. Even the records of 1977-78 onwards also proves that he is owner of the land. He has also obtained loan from District Co-operative Central Bank, Khammam, Branch Kothagudem by mortgaging the said land for digging a well in the said land. As on date the loan is still pending payment due to the Bank. The said land is located in scheduled area. As per the scheduled castes and scheduled Tribes orders (Amendment) Act 1976 No. 108 of 1976 Sugalis and Lambadis are declared as Scheduled Tribes (sl.No.29). The Appellant belongs to Lambada Caste. Hence he is Scheduled Tribe by virtue of said Act. The dispute arisen with the sale deed 1068/77 and 1069/77 dt.23.07.77. The said sale deed is already treated as invalid by the Additional Agent to Government in his order dt 28.07.2007.

5. Government after care examination of the matter hereby allowed the appeal of 1) Smt. Bhukya Kanthi W/o Bhukya Lachu, 2) Bhukya Bicha S/o Bhukya Lachu, 3) Bhukya Babu S/o Bhukya Lachu and 4) Bhukya Ramulu S/o Bhukya Lachu all represented by Sri Bhukya Ramulu S/o Lachu is considered to be genuine and the orders of the Addl.Agent to Govt. in CMA No.110/2003 dt 28.07.2007 are set aside to the extent that the land in 1) Sy.No.161/A Ac.0-26 gts 2) Sy.No.161/1 Ac.2-02 gts and 3) Sy.No.161/2 Ac.2-23 gts to be taken to Govt. custody.

6. The appeal of Sri Bhukya Ramulu S/o Lachu is allowed and it is ordered to restore the above land to the legal heirs of Sri Bhukya Harisingh by vacating the illegal encroachments, if any, in the said land in terms of Act 9 of 1977.

7. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Khammam District shall take necessary action accordingly.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGNA)**

**SOMESH KUMAR  
PRINCIPAL SECRETARY TO GOVT. (TW)**

To

The Addl. Agent to Govt. & P.O., ITDA, Bhadrachalam, Khammam District.

(along with original record file bearing CMA.110/2003)

Sri V.Seetharama Reddy S/o Gurva Reddy R/o Babu Camp, Kothagudem Mandal, Khammam District.

Sri Bukhya Ramulu S/o Lachu, ST Lambada, H.No.1-2-15/2, Chenchupalli Tanda, Kothagudem Mandal, Khammam district.

Sri Lavidia Gopi S/o late Bhaskara Rao, ST Lambada,

Occ: Agriculture, R/o Sitampeta village, Kothagudem Mandal, Khammam Dist.

Sri Nandulal Agarwal S/o Late Dayaram Agarwal,

R/o H.No.6-4-71, Pedda Bazar, Kothagudem Town and Mandal, Khammam district - 507 101.

Sri Lavidya Mariya S/o Tulisya,

R/o Seethampeta Banjara, Kothagudem Mandal, Khammam district.

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**Copy to:**

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Sri Dannana Ramu, Advocates  
Counsel for the Respondent (6) Advocates, Bhadrachalam,  
Khammam district - 507 111.

The Commissioner of Tribal Welfare, Telangana State, Hyderabad,  
The PS to Hon'ble Minister (TW),  
The PS to Principal Secretary to Govt. (TW),  
SC/SF.

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**